

No. 14/13/87-6Lab./141.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s. Steel Craft, ERW, Panipat *ver us* Karan Singh.

IN THE COURT OF SHRI P.L. KHANDUJA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ROHTAK

Reference No. T-16 of 1992

between

SHRI KARAN SINGH, GENERAL SECRETARY, MECHANICAL AND GENERAL LABOUR UNION, HOUSE NO. 134, WEAVERS CCLONY, PANIPAT, .. Workman

and

THE MANAGEMENT OF M/S STEEL CRAFT I.R.W., G.T. ROAD, PANIPAT.

Present :

Shri Karan Singh, A.R. for the workmen.
None, for the management (*ex parte*).

AWARD

In exercise of powers conferred by Sub-Clause (c) of Sub-Section (1) of Section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana has referred the following dispute, between the parties named above, to this Court for adjudication,—*vide* Labour Department Notification No. 3/25/90-3Lab., dated 29th October, 1991 :-

- (1) Whether the employees of the management are entitled to get wheat loan to the extent of Rs. 1,000 per year ? If yes, to what details ?
- (2) Whether the employees, who have to cover a distance of 5 K.M. to reach the premises of the management are entitled to Cycle Allowance at Rs. 15 p. m. ? If yes, to what details ?

2. After receipt of the reference order usual notices were issued to the parties. The workmen appeared and filed their claim statement that in case the Government purchased the wheat and if wheat is purchased on loan, the workmen are entitled to get Rs. 1,000 as loan for purchasing of wheat and the workmen also claimed Rs. 15 p. m. as Cycle Allowance being who come to factory to more than five K.M. distance.

3. The management has filed the written statement by the pleadings that Shri Karan Singh has no *locus standi* to file the claim statement as signed by Shri Karan Singh; the demand was never espoused by substantial number of workmen as to convert the dispute into an Industrial Dispute; that no advance is being paid by BST, Gannaur even there is no industry in Panipat who is paying advance to the worker and hence the claim petition is liable to be dismissed.

4. Replication was filed by the workmen. On the pleadings of the parties, the following issues were framed :-

- (1) Whether the employees of the management are entitled to get wheat loan to the extent of Rs. 1,000 per year ? If so, the details thereof ? OPW
- (2) Whether the employees who have to cover a distance of 5 K.M. to reach the premises of the management, are entitled to cycle allowance at Rs. 15 p. m. ?
- (3) Whether the impugned demands were never espoused so as to get converted into an Industrial Dispute, as alleged in preliminary objection No. 2 of the W.S., if so, to what effect ?
- (4) Whether the claim statement has not been signed by a competent person ? OPM.
- (5) Relief ?

5. The workmen have come into witness box as WW-1 and made the statement and closed the evidence. The management was proceeded against *ex parte*. Shri Ram Sarup has made the statement that he was posted as Welder on 9th September, 1983 and he demanded Rs. 1,000 as Bonus for the purchase of wheat, but the management had not agreed to their claim and also made statement that the workers of the management cover a distance from 8 K.M. from Panipat and used to come on cycle and by that way entitled to Rs. 15 per month.

6. The question is to be determined whether the workman is entitled to the relief. The workman has been suggested by the management that they had not entitled to Bonus as claimed by him. The workman has not produced any Rules etc. regarding the bonus to be paid to the workmen. I am of the view that the claim of the workmen is fruitless fails and I decide this issue against the workmen and in favour of the management.

Issue No. 2 :

7. It is also not proved as to whether Shri Karan Singh is entitled to cycle allowance. The Rules have not been produced before me and to show that any worker who covers a distance of 5 K.M. from factory he is entitled to cycle allowance. Shri Karan Singh has not come into witness box. Shri Karan Singh has filed the petition as General Secretary of the Union. Hence I decide this issue against the workman.

Issues No. 3 and 4 :

5. These issues are not pressed or argued and hence decide these issues against the management.

Issue No. 5 (Relief) :

9. In view of my findings on the above issues I hold that the workmen are not entitled to any relief. The reference is answered and returned accordingly, with no orders as to costs.

The 18th April, 1994.

P. L. KHANDUJA,
Presiding Officer,
Industrial Tribunal/Labour Court,
Rohtak.

Endorsement No. 1103, dated the 28th April, 1994.

A copy, is forwarded, to the following :—

- (1) Labour Commissioner, Haryana, Chandigarh.
- (2) Labour Officer, Panipat.

P. L. KHANDUJA,
Presiding Officer,
Industrial Tribunal/Labour Court,
Rohtak.

The 19th September, 1994

No. 14/13/87-6Lab./147. In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947, the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Sonapat Co-op. Sugar Mills, Sonapat *versus* Shri Raghbir Singh.

IN THE COURT OF SHRI P. L. KHANDUJA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ROHTAK

Reference No. 8 of 1990

between

SHRI RAGHBIR SINGH, C/O SHRI RAM SARUP, LAKRA, INDUC BHAWAN,
MODEL TOWN, SONEPAT—WORKMAN

and

M/S THE SONEPAT CO-OPERATIVE SUGAR MILLS LTD., SONEPAT—MANAGEMENT.

Present :

Shri R. S. Lakra, A.R. for the workman.

Shri Rajvir Singh, A.R. for the management.

AWARD

In exercise of powers conferred by Sub-Clause (c) of Sub-Section (1) of Section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana has referred the following dispute, between the parties, named above, this Court for adjudication, *vide* Labour Department, Endorsement No. SOV/Soni/114-89-2719-24 dated 19th January, 1990 :-

'Whether the termination of services of Shri Raghbir Singh justified and in order ? If not what relief he is entitled ?

2. Both the workman and the management were summoned. The workman appeared and filed his statement of claim that the workman was working as Typist with the respondent/management from 25th May, 1988 on the pay of Rs. 25/- per day and he has worked for more than 240 days in a year but his services were terminated against the provisions contained in Section 25-F of the I.D. Act and hence he be reinstated with back wages etc.

3. The management had filed the written statement that Shri Raghbir Singh was engaged on daily wages as Typist time to time according to the load of the work in the period between 25th May, 1988 to 29th July, 1989. He was engaged against the vacant post caused due to the termination of services of Shri Trilok Singh Typist. Now Shri Trilok Singh typist has been again taken back on duty on 30th May, 1989 after settlement between the management and Shri Trilok Singh and therefore, the services of Shri Raghbir Singh has to be dispensed with. Shri Raghbir Singh was appointed for specific period and after the expiry of the same the services were dispensed with and hence the claim petition is liable to be dismissed.

4. The replication was filed by the workman. On the pleadings of the parties, the following issue was framed :-

1. As per terms of reference ?

5. My findings on the above issue is as under :

Issue No. 1 :

6. The workman has come into witness-box as WW-1 and closed his evidence. The management has examined Shri Banwari Lal Sharma Time Keeper as MW-1 and closed the evidence.

7. From Ex. M-1 the order issued by the Managing Director of the Sonapat Co-operative Sugar Mill, Ltd., Sonapat appointing the workman as Typist on daily wages.

8. From the evidence of the management it is proved that the workman was not appointed for specific period and hence this plea of the management as the workman was appointed for a specific period and expiry of this period the reference petition fails and liable to be dismissed.

9. The next submission made by the learned A.R. for the management is that there is no reference in question and the evidence examined by the workman is on different side. The reference in question is that the workman was appointed on 25th May, 1988 as typist on daily wages but his services were terminated on 29th July, 1989 without compliance with the Section 25-F of the I.D. Act. The reference made by the Joint Secretary of the Labour Department is that the termination of the services of the workman are right legal and justified and if not to what right he is entitled. The workman has examined the evidence in view of his reference, the workman has pleaded in his case as per his reference.

10. Now the question is whether if the appointment of the workman is on daily wages but he worked for 240 days in a year and whether he is entitled to relief as given in the I.D. Act or not. No law point has been shown to me to the effect that a person is appointed on daily wages he is not covered under Section 25 of the I.D. Act, if he is appointed on daily wages monthly wages, it does not count very much. If the workman had worked with the department for more than 240 days he might have worked as daily wagger or on monthly wages it hardly matters.

11. The submission was made by the learned A.R. for the management that as the workman was offered job when the reference in question was received and he has not accepted, I have gone through the statement of Banwari Lal Sharma. Banwari Lal Sharma has made statement and that is clear that Tirlok Singh was appointed as typist as ordered by the Labour Court or Hon'ble High Court and the management had no alternative to remove the workman. So he also made statement that the case of Shyam Sunder is pending in Civil Court. Against his post the appointment of the workman as typist is shown.

12. When the workman was already working as typist before appointing Tirlok Singh and ordered dislocation of the workman for the post. When the workman had worked for 240 days in a year and the post exist with the management and appointment of Shyam Sunder in his place the management does illegally and hence I am of the view that the workman is entitled to the post as service of the workman were terminated against the provisions of Section 25-F of the I.D. Act.

13. For the reasons given above I hold that the reference petition filed by the workman succeeds and I hold that the workman is entitled to be reinstated with continuity of service and with 10% back wages. The reference is answered and returned accordingly with no orders as to costs.

Dated 29th April, 1994.

P. L. KHANDUJA,

Presiding Officer,
Industrial Tribunal/Labour Court,
Rohtak.

Endorsement No. 1223 dated the 2nd May, 1994.

A copy is forwarded to the following :--

1. Labour Commissioner, Haryana, Chandigarh.
2. Labour Officer, Sonapat.

P. L. KHANDUJA,

Presiding Officer,
Industrial Tribunal/Labour Court,
Rohtak.

No. 14/13/87-6Lab./149.--In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947, (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s. Principal, D.A.V. Sainitary Public School, Sonapat *versus* Shri Babu Ram.

IN THE COURT OF SHRI P. L. KHANDUJA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ROHTAK

Reference No. 38 of 1993

Between

SHRI BABU RAM, SON OF SHRI BHAIGI RAM, VILLAGE AND P.O. BĪHATA NEAR
SENIOR SECONDARY SCHOOL, AMBALA *Workman*

And

THE MANAGEMENT OF M/S. PRINCIPAL, D.A.V. SAINITARY PUBLIC SCHOOL, SECTOR 15, SONEPAT,

Present :

None for the parties.

AWARD

In exercise of powers conferred by sub-clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana has referred the following dispute, between the parties, named above, to this Court for adjudication--*vide* Labour Department Endorsement No. SOV/Soni/2-93/8617-22, dated 4th March, 1993 :--

Whether the termination of services of Shri Babu Ram is justified and in order ? If not, to what relief he is entitled ?

2. The case was called several times, but no one appeared on behalf of the parties. The reference is dismissed in default, with no orders as to costs.

P. L. KHANDUJA,

Presiding Officer,
Industrial Tribunal/Labour Court,
Rohtak.

Dated 26th April, 1994.

Endorsement No. 1205, dated the 28th April, 1994.

A copy is forwarded to the following :—

1. Labour Commissioner, Haryana, Chandigarh.
2. Labour Officer, Sonapat.

P. L. KHANDUJA,

Presiding Officer,
Industrial Tribunal/Labour Court,
Rohtak.

No. 14/13/87-6Lab./150.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947(Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s. N.B. Pharma, Industrial Area, Sonapat *versus* Shri Rakesh Kumar:—

BEFORE SHRI P.L. KHANDUJA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, ROHTAK

Reference No. 39 of 1992

Between

SHRI RAKESH KUMAR, C/O SHRI VP. SINGH, GENERAL SECRETARY, MILTON
CYCLE MAZDOOR ORGANISATION, SANGARSH SAMITTEE, RATTAN PAN
BHANDAR, KATH MANDI, SONEPAT.

.. Workman

And

M/S. N.B. PHARMA, 41-E, INDUSTRIAL AREA, SONEPAT.

Present :

Shri R.S. Lakra, authorised representative for the workman.
Shri Rajbir Singh, authorised representative for the management.

AWARD

In exercise of the powers conferred by sub-clause (c) of sub-section (1) of section 10 of the Industrial Dispute Act, 1947, the Governor of Haryana has referred the following dispute, between the parties, named above, to this court for adjudication,—*vide* Labour Department, Endorsement No. S.O.V./Sonapat/85-91/4529-34, dated 23rd January, 1992 :—

Statement of Authorised Representative of the workman recorded and in view of his statement, this reference is dismissed as withdrawn, with no orders as to costs.

P. L. KHANDUJA,

Presiding Officer,
Industrial Tribunal/Labour Court,
Rohtak.

Dated the 18th January, 1994.

Endorsement No. 329, dated the 31st January, 1994.

Copies are forwarded to the following :—

1. Labour Commissioner, Haryana, Chandigarh.
2. Labour Officer, Sonapat.

P. L. KHANDUJA,

Presiding Officer,
Industrial Tribunal/Labour Court,
Rohtak.